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12 Co-Lead Counsel for Plaintiffs

E-FILED - 3/13/08

13 [Additional counsel appear on signature page.]

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 In re FINISAR CORP. DERIVATIVE)	Master File No. C-06-07660-RMW
18 LITIGATION)	
19 This Document Relates To:)	STIPULATION AND [] ORDER
20 ALL ACTIONS.)	REVISING BRIEFING SCHEDULE FOR
)	SECOND AMENDED CONSOLIDATED
)	COMPLAINT AND DEFENDANTS'
)	RESPONSE THERETO

1 WHEREAS, further to this Court's Order Granting Defendants' Motions to Dismiss of
2 January 11, 2008, plaintiffs' Second Amended Consolidated Complaint was due to be filed on
3 January 31, 2008;

4 WHEREAS the parties have met and conferred and agreed to meet to discuss avenues of
5 possible resolution of the action;

6 WHEREAS, the parties have entered into one prior stipulation continuing this filing by one
7 month, from January 11, 2008 to February 29, 2008;

8 WHEREAS, the parties need additional time to discuss the avenues of resolution of this
9 action and the parties have met and conferred and agree that plaintiffs shall file a Second Amended
10 Consolidated Complaint by no later than April 4, 2008; and

11 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial
12 efficiency, and will not cause prejudice to any party;

13 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs and defendants,
14 through their respective counsel of record subject to approval of the Court as follows:

15 1. Plaintiffs shall have until no later than April 4, 2008 to file and serve a Second
16 Amended Consolidated Complaint which will supersede all existing complaints filed in these
17 actions;

18 2. Defendants shall answer or otherwise respond to the Second Amended Consolidated
19 Complaint no later than May 19, 2008; and

20 3. In the event that defendants file and serve any motion directed at the Second
21 Amended Consolidated Complaint, plaintiffs shall file and serve their opposition no later than July 2,
22 2008.

23 4. Defendants shall file and serve their reply no later than August 1, 2008.

24 5. Hearing on Motion shall be set for August 22, 2008 @ 9:00 a.m.

1 IT IS SO STIPULATED.

2 DATED: February 28, 2008

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RUDMAN & ROBBINS LLP
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AELISH M. BAIG

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/s/

AELISH M. BAIG

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/s/

JOSEPH E. WHITE

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11 Additional Counsel for Plaintiffs

12 DATED: February 28, 2008

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14 DAVID A. PRIEBE

15 /s/
16 _____
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22 Attorneys for Defendants

23 DATED: February 28, 2008

24 THE HOYLE LAW FIRM
25 LAWRENCE F. HOYLE, JR.

26 /s/
27 _____
28 LAWRENCE F. HOYLE, JR.

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Attorneys for Defendant Richard Lieb

I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this
STIPULATION AND [PROPOSED] ORDER REVISING BRIEFING SCHEDULE FOR SECOND

1 AMENDED CONSOLIDATED COMPLAINT AND DEFENDANTS' RESPONSE THERETO. In
2 compliance with General Order 45, X.B., I hereby attest that Joseph E. White, Adam J. Gutride,
3 David A. Priebe, and Lawrence F. Hoyle, Jr. have concurred in this filing.

4 _____
5 /s/
6 AELISH M. BAIG

7 * * *

8 **ORDER**

9 Having considered the parties' Stipulation, and good cause appearing, the Court hereby
10 GRANTS the parties' Stipulation.

11 IT IS SO ORDERED.

12 DATED: 3/13/08 _____
13 *Ronald M. Whyte*
14 THE HONORABLE RONALD M. WHYTE
15 UNITED STATES DISTRICT JUDGE

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on February 28, 2008, I electronically filed the foregoing with the Clerk
3 of the Court using the CM/ECF system which will send notification of such filing to the e-mail
4 addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have
5 mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF
6 participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed on February 28, 2008.

9 _____/s/

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Mailing Information for a Case 5:06-cv-07660-RMW

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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